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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEODEGARIO SALVADOR,

Plaintiff - Appellant,

v.

GMAC MORTGAGE,

Defendant - Appellee.

No. 09-16846

D.C. No. 2:09-cv-00991-PMP-RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Leodegario Salvador appeals pro se from the district court's judgment dismissing his action alleging federal and state claims in connection with his mortgage. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

denial of a motion to remand, *Ethridge v. Harbor House Rest.*, 861 F.2d 1389, 1393 (9th Cir. 1988), and we affirm.

The district court properly denied Salvador's motion for remand because the complaint was based in part on alleged violations of federal statutes and, thus, the court had jurisdiction. *See* 28 U.S.C. § 1441(b) (allowing for the removal of "[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the . . . laws of the United States . . . without regard to the citizenship or residence of the parties"); *Ethridge*, 861 F.2d at 1394 ("When a plaintiff's complaint relies on federal law as the source of recovery, it is obvious that the case 'arises under' federal law and therefore may be removed to federal court." (citation omitted)). Additionally, Salvador has not shown that he properly served GMAC, which would have required them to file an answer in state court. *See* Nev. R. Civ. P. 4(d) (requiring personal service).

We decline to consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam); *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

Salvador's motion to proceed on the original record is granted. *See* 9th Cir. R. 30-1.2.

AFFIRMED.